

REMARKS

Applicants have carefully reviewed the Office Action mailed on March 30, 2010. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 53, 63, 67, 68, 74, and 76 are amended. No new matter is added. Claims 53-76 are presented for examination.

Claim Rejections Under 35 U.S.C. §112

Claim 67 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In regard to claim 67, “the coil” is said to lack proper antecedent basis. Claim 67 has been amended to depend from claim 66, which provides proper antecedent basis for “the coil.” Withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 53-55, 58, 59, 63, 64, 67-70, 72, and 74-76 are rejected under 35 U.S.C. §102(b) as being anticipated by Schweich, Jr. et al. in U.S. Patent No. 5,358,493. Applicants respectfully traverse the rejection.

Regarding claims 53-55, 58, and 59, without necessarily agreeing with nor acquiescing to the rejection, but rather in the interest of advancing prosecution, claim 53 is amended to recite that at least some of the plurality of corrugations formed along the outer surface of the liner are disposed at longitudinal positions along the medical device substantially corresponding to longitudinal positions of at least some of the plurality of slots formed in the elongate tubular member. Schweich, Jr. et al. do not appear to teach or suggest this feature. The Office Action cites to depressions or grooves 56 on the distal segment 52 of fourth tubular member 36 as providing “slots,” and structures illustrated in Figure 3, which appears to depict surface contours 64 on the second region 62 of the first tubular member 24, as providing “corrugations.” However, it appears from Figure 1 that surface contours 64 are disposed at different longitudinal positions along catheter 8 compared to the longitudinal positions of depressions or grooves 56, and thus, it does not appear that these structures can correspond to the corrugations and slots of claim 53. Based on at least this distinction, Applicants respectfully submit that amended claim 53

is patentable over Schweich, Jr. et al. Because claims 54, 55, 58, and 59 depend from claim 53, they are also patentable for the same reasons as claim 53 and because they add significant elements to distinguish them further from the art.

Regarding claims 63, 64, and 67, claim 63 is similarly amended to recite that at least some of the plurality of inward corrugations formed along the outer surface of the liner are disposed at longitudinal positions along the medical device substantially corresponding to longitudinal positions of at least some of the plurality of slots formed in the elongate tubular member. For reasons similar to those set forth above in relation to claim 53, Applicants respectfully submit that amended claim 53 is patentable over Schweich, Jr. et al. Because claims 64 and 67 depend from claim 53, they are also patentable for the same reasons as claim 53 and because they add significant elements to distinguish them further from the art.

Regarding claims 68-70 and 72, claim 68 is similarly amended to recite that at least some corrugations of the corrugated liner are disposed at longitudinal positions along the medical device substantially corresponding to longitudinal positions of at least some of the plurality of slots formed in the elongate tubular member. For reasons similar to those set forth above in relation to claims 53 and 63, Applicants respectfully submit that amended claim 68 is patentable over Schweich, Jr. et al. Because claims 69, 70 and 72 depend from claim 53, they are also patentable for the same reasons as claim 68 and because they add significant elements to distinguish them further from the art.

Regarding claims 74 and 75, claim 74 is similarly amended to recite forming a plurality of corrugations in the liner, at least some of the plurality of corrugations being disposed at longitudinal positions along the medical device substantially corresponding to longitudinal positions of at least some of the plurality of slots. For reasons similar to those set forth above in relation to claims 53, 63, and 68, Applicants respectfully submit that amended claim 74 is patentable over Schweich, Jr. et al. Because claim 75 depends from claim 74, it is also patentable for the same reasons as claim 74 and because it adds significant elements to distinguish it further from the art.

Regarding claim 76, this claim is similarly amended to recite forming a plurality of inward corrugations in the liner, at least some of the plurality of inward corrugations being disposed at longitudinal positions along the medical device substantially corresponding to

longitudinal positions of at least some of the plurality of slots. For reasons similar to those set forth above in relation to claims 53, 63, 68, and 74, Applicants respectfully submit that amended claim 76 is patentable over Schweich, Jr. et al.

Claims 74-76 are rejected under 35 U.S.C. §102(b) as being anticipated by Berg et al. in U.S. Patent No. 5,792,116. Applicants respectfully traverse the rejection.

Regarding claims 74-75, without necessarily agreeing with nor acquiescing to the rejection, but rather in the interest of advancing prosecution claim 74 is amended to recite providing a tubular member having a plurality of slots formed therein, at least some of the plurality of slots having a substantial transverse component with respect to a long axis of the medical device. Berg et al. do not appear to teach or suggest this feature. Rather, perfusion channels 92, cited-to in the Office Action as providing “slots,” appear to be “radially spaced about distal perfusion section 90 extending longitudinally along the exterior surface thereof.” (Column 9, lines 44-45.). Based on at least this distinction, Applicants respectfully submit that amended claim 74 is patentable over Berg et al. Because claim 75 depends from claim 74, it is also patentable for the same reasons as claim 74 and because it adds significant elements to distinguish it further from the art.

Regarding claim 76, this claim is similarly amended to recite providing a tubular member having a plurality of slots formed therein, at least some of the plurality of slots having a substantial transverse component with respect to a long axis of the medical device. For reasons similar to those set forth above in relation to claim 74, Applicants respectfully submit that amended claim 76 is patentable over Berg et al.

Applicants respectfully request that the claim rejections under 35 U.S.C. §102(b) be reconsidered and withdrawn.

Claim Rejections Under 35 U.S.C. §103

Claims 56, 66, and 71 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schweich, Jr. et al. in view of Neaves in U.S. Patent No. 4,698,890. For the reasons set forth above, Applicants respectfully submit that amended independent claims 53, 63, and 68 are patentable over Schweich, Jr. et al. Neaves does not appear to overcome the shortcomings of Schweich, Jr. et al., and consequently, Applicants respectfully submit that amended claims 53,

63, and 68 are patentable over the combination of Schweich, Jr. et al. and Neaves, to the extent that such a combination is even possible. Because claims 56, 66, and 71 depend from claims 53, 63, and 68, respectively, they are also patentable for the same reasons as claims 53, 63, and 68 and because they add significant elements to distinguish them further from the art.

Claims 57, 65, and 73 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schweich, Jr. et al. in view of Miller et al. in U.S. Patent App. Pub. No. 2002/0198492. For the reasons set forth above, Applicants respectfully submit that amended independent claims 53, 63, and 68 are patentable over Schweich, Jr. et al. Miller et al. do not appear to overcome the shortcomings of Schweich, Jr. et al., and consequently, Applicants respectfully submit that amended claims 53, 63, and 68 are patentable over the combination of Schweich, Jr. et al. and Miller et al., to the extent that such a combination is even possible. Because claims 57, 65, and 73 depend from claims 53, 63, and 68, respectively, they are also patentable for the same reasons as claims 53, 63, and 68 and because they add significant elements to distinguish them further from the art.

Claims 60-62 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schweich, Jr. et al. in view of Samson et al. in U.S. Patent No. 4,998,923. For the reasons set forth above, Applicants respectfully submit that amended independent claim 53 is patentable over Schweich, Jr. et al. Samson et al. do not appear to overcome the shortcomings of Schweich, Jr. et al., and consequently, Applicants respectfully submit that amended claims 53 is patentable over the combination of Schweich, Jr. et al. and Samson et al., to the extent that such a combination is even possible. Because claims 60-62 depend from claim 53, they are also patentable for the same reasons as claim 53 and because they add significant elements to distinguish them further from the art.

Applicants respectfully request that the claim rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

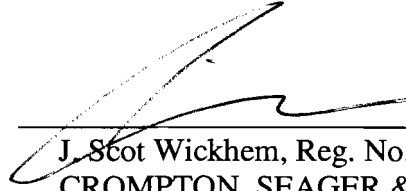
Further examination and withdrawal of the rejections is respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a

Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
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By their attorney,

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